

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Dinesh C. VERMA

Serial No: 09/932,735

Filed: August 17, 2001

For: USER INFORMATION COORDINATION
ACROSS MULTIPLE DOMAINS

Examiner: AILES, Benjamin

Art Unit: 2142

REPLY APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Reply Appeal Brief is made in response to the Examiner's Answer ("EA") mailed June 17, 2008, setting a two-month response period expiring August 18, 2008, because August 17, 2008 is a Sunday.

This Reply Appeal Brief is directed solely to claims 33-35. The rejections of claims 1-32 are believed erroneous for at least the reasons provided in the Appeal Brief filed January 29, 2008 ("AB").

Reply

I. CLAIMS 33-35 ARE NOT OBVIOUS OVER CALLAGHAN IN VIEW OF ROSENBERG

Claim 33

A. "storing a first cookie by the first user tracking mechanism, the first cookie including a first identity."

Claim 33 recites, in part, "storing a first cookie by the first user tracking mechanism, the first cookie including a first identity." It is emphasized that claim 33 requires a first identity.

In rejecting claim 33, the Examiner alleges that paragraphs [0053] through [0056] of Callaghan teach the cited claim limitation. EA, pp. 20.

It is noted that Callaghan was not alleged to teach the cited claim limitation in any Office Action or other communication prior to the Examiner's Answer. By contrast, the Final Office Action of August 29, 2007 ("FOA") alleges that column 5, lines 25-28 of Rosenberg teach the cited claim limitation. FOA, pp. 9 and pp. 12.

Paragraphs [0053] through [0056] of Callaghan state,

Although the request is ultimately for server "www.ibm.com", the request is received by proxy server 202, as shown in FIG. 2 (i.e., the arrow at 208 stops at the proxy server). At the proxy server, a determination is made as to whether there is state information associated with this particular URL, "http://www.ibm.com/pgm3.exe". In order to make this determination, the proxy server uses a state table maintained by the proxy server. The state table includes the URL (e.g., http://www.ibm.com/pgm3.exe), or at least a part of it, and the state (e.g., statel). When the proxy server receives a request, it searches the state table to determine if the URL of the request matches

a URL within the state table. If such a match exists, as in this example, then there is state information associated with that URL.

Thus, proxy server 202 adds the state information to request 210, which is to be forwarded to the specified server. Specifically, the state information is added to the request as a cookie. For example, it is added by the following statement: Cookie:state=statel.

The request with the state information is then forwarded from the proxy server to the server www.ibm.com. The server then responds to the request by sending response 212, which is received by the proxy server. Thereafter, the proxy server sends the response onto the browser via response 214.

In the above description, the proxy server adds state information, via a cookie, to a request from a browser to a Web server. In the following description, instead of adding the state information to the request, the proxy server adds the state information, via a cookie, to a response going to the browser. This technique is described in detail with reference to FIG. 3. Callaghan, para. [0053]-[0056].

In paragraph [0056], Callaghan states, "In the following description, instead of adding the state information to the request, the proxy server adds the state information, via a cookie, to a response going to the browser." However, the cited passage of Callaghan fails to disclose that this cookie includes an identity. Therefore, this cookie cannot be equivalent to the first cookie including a first identity required by claim 33.

The only other cookie disclosed in the passage cited by the Examiner is the cookie added by the statement, "Cookie:state=statel." This cookie is hereinafter referred to as Cookie A for brevity. The Appellant respectfully submits that the passage cited by the Examiner cannot teach the cited limitation of claim 33 unless Cookie A is equivalent to the first cookie of claim 33. As discussed below, this cannot be the case.

B. "storing a second cookie by the second user tracking mechanism, the second cookie including a second identity and correlating the first cookie and the second cookie."

Claim 33 further recites, in part, "storing a second cookie by the second user tracking mechanism, the second cookie including a second identity and correlating the first cookie and the second cookie." It is emphasized that claim 33 requires correlating the first cookie and the second cookie. More specifically, claim 33 requires that the second cookie correlates the first cookie and the second cookie. Additionally, it is emphasized that claim 33 requires a second identity.

In rejecting claim 33, the Examiner alleges that "Callaghan, p. 4, para. 0059, second state information" teaches the cited claim limitation. EA, pp. 20.

It is noted that Callaghan was not alleged to teach the cited claim limitation in any Office Action or other communication prior to the Examiner's Answer. By contrast, the Final Office Action of August 29, 2007 alleges that column 5, lines 25-28 of Rosenberg teach the cited claim limitation. FOA, pp. 9 and pp. 12.

Paragraph [0059] of Callaghan states,

In particular, the proxy server sends the following tag to the browser: Set-Cookie:state=state2. The Set-Cookie tag instructs the browser to save the state information associated with that tag (e.g., state2) until the browser session ends, and to send it along with future requests within the range of URL's associated with the cookie. Since there was no domain or path attribute specified on the Set-Cookie tag in response 314, the only URL associated

with the cookie is <http://www.us.gov/pgm4.exe>, as designated in 308. Callaghan, para. [0059].

The passage of Callaghan cited by the Examiner does not recite "second state information." Thus, it is unclear exactly which structure disclosed in the cited passage is alleged to teach the cited limitation of claim 33. Regardless, the cited passage recites only one cookie, namely the cookie added by the statement, "Set-Cookie:state=state2." This cookie is hereinafter referred to as Cookie B for brevity. The Appellant respectfully submits that the passage cited by the Examiner cannot teach the cited limitation of claim 33 unless Cookie B is equivalent to the second cookie of claim 33.

The Appellant respectfully submits that paragraph [0059] of Callaghan fails to teach or suggest correlating a first cookie and a second cookie as required by claim 33. Furthermore, the paragraph recites only one cookie. Therefore, the paragraph clearly cannot disclose correlating two distinct cookies.

Moreover, the Appellant respectfully submits that nowhere in the passages of Callaghan cited by the Examiner, namely paragraphs [0053] through [0056] and [0059], is found any teaching or suggestion that Cookie A and Cookie B are correlated. Therefore, even assuming *arguendo* that Cookie A is equivalent to the first cookie of claim 33 and Cookie B is equivalent to the second cookie of claim 33, the passages of Callaghan cited by the Examiner fail to teach or suggest correlating the first cookie and the second cookie as required by claim 33. As previously noted, the passages of Callaghan cited by the Examiner cannot teach claim 33 unless Cookie A is equivalent to the first cookie of claim 33 and Cookie B is equivalent to the second cookie of claim 33.

Moreover, in responding to the Appeal Brief, the Examiner alleges, "Rosenberg teaches 'correlating a first cookie and a second cookie'" EA, pp. 24. The Examiner further states,

. . . Rosenberg teaches in column 5, lines 25-28 wherein a cookie can include header information which includes identification information with respect to a database entry. When a second cookie utilizes this header as well and has the same identification information, the cookies are correlated and therefore what is taught by Rosenberg meets the limitation for being within the scope of the claim. EA, pp. 24.

Thus, the Examiner alleges that the cookies are correlated. However, as previously noted, claim 33 requires that the second cookie correlates the first cookie and the second cookie. Therefore, a teaching of correlating the first cookie and the second cookie, without a teaching that the second cookie effects said correlation, fails to teach the limitations of claim 33. The Appellant respectfully submits that even assuming *arguendo* that Rosenberg teaches correlating a first cookie and a second cookie, such a teaching is insufficient to teach the limitations of claim 33.

The passage of Rosenberg cited by the Examiner states,

That is, as shown in FIG. 2, the client computer 22 receives the returned page from the server 24A. The header of the returned page includes the cookie with the unique identification information. In addition, the returned page includes Rosenberg, col. 5, ll. 24-28.

An understanding of the passage cited by the Examiner is facilitated by the context of the passage. The passage cited by the Examiner is found within the following passage of Rosenberg:

The next processing step shown in FIG. 2 is to set a cookie corresponding to the unique identification value and return

a page of the requested information (step 82). In general, the setting of a cookie (persistent client-side state information) is a known process. However, in accordance with the invention, the returned page includes instructions to convey the unique identification information to additional server computers that are observing the same protocol. That is, as shown in FIG. 2, the client computer 22 receives the returned page from the server 24A. The header of the returned page includes the cookie with the unique identification information. In addition, the returned page includes an instruction to convey the unique identification information to each server in the network of servers that is operating in accordance with the invention. For the purpose of simplicity, FIG. 2 merely illustrates a single server 24B as receiving the unique identification information. The unique identification information is sent to a specific location at server 243. In other words, the browser 34 receives the information from server 24A. Based upon this information, the browser 34 generates a request to server 24B; the request contains the unique identification information. Different techniques for achieving this operation are discussed below.

Server 24B receives the unique identification information at a specific location that is identified by the browser tracking module 48B. In other words, the browser tracking module 48B includes instructions to read the unique identification value when it is sent to a specific location of the server computer 48B. It further includes instructions to assign this unique identification value as the cookie value for the server 24B. Thus, the server 24B will not generate a unique identification value, but will rely upon the value established by server 24A. If a subsequent request is made to server 24B the processing step 72 of FIG. 2 will be performed. This will result in server 24B returning a page (step 74). At this point, the server 24B uses the cookie (persistent client-side state) information in a standard manner. Rosenberg, col. 5, ll. 17-54.

It is emphasized that the returned page from the server numbered 24A includes both the cookie with the unique identification information and an instruction to convey the unique identification information to each server in the network of servers that is operating in accordance with the invention.

A server numbered 24B receives the unique identification information. Instructions exist to assign this unique identification value as the cookie value for the server numbered 24B.

It therefore follows that the cookie for the server numbered 24A and the cookie for the server numbered 24B have the same unique identification information. However, it is evident from the cited passage that the state wherein the cookies have the same unique identification information is not caused by any cookie. Instead, this state is caused by the instruction to convey the unique identification information to each server in the network of servers and the instructions to assign the received unique identification value as the cookie value for the server numbered 24B. Because the state wherein the cookies have the same unique identification information is not caused by any cookie, this state cannot teach the limitation of claim 33 requiring that the second cookie correlates the first cookie and the second cookie.

Additionally, claim 33 requires a first identity and a second identity. However, the passage of Rosenberg at column 5, lines 17-54 does not disclose a plurality of discrete identities. To the contrary, Rosenberg states, "Thus, the server 24B will not generate a unique identification value, but will rely upon the value established by server 24A." Rosenberg, col. 5, ll. 47-49. It follows that the server numbered 24A and the server numbered 24B will always share a common unique identification value, even if each server has its own copy of the unique identification value. Thus, the cited passage of Rosenberg discloses a single unique identification value. Because the cited passage teaches only a single unique

identification value, the passage cannot teach a first identity and a second identity as required by claim 33.

For at least these reasons, it is respectfully submitted that a *prima facie* case of obviousness for claim 33 has not been established by the Examiner. Thus, the Appellant requests that the rejection of claim 33 be reversed by the honorable Board.

Claim 34

Claim 34 is dependent on claim 7 and recites, "A method as recited in claim 7, wherein coordinating cookies across said first and second domains comprises storing in the cookies information correlating a first cookie having a first identity and associated with the first domain and a second cookie having a second identity and associated with the second domain." It is emphasized that claim 34 requires both a first identity and a second identity.

In rejecting claim 34, the Examiner alleges that paragraphs [0053] through [0056] of Callaghan teach the cited claim limitation. EA, pp. 20. The cited passage is reproduced above in regards to limitation (A) of claim 33.

It is noted that Callaghan was not alleged to teach the cited claim limitation in any Office Action or other communication prior to the Examiner's Answer.

The Appellant respectfully submits that the passage of Callaghan cited by the Examiner is devoid of any disclosure of storing in the cookies information correlating a first cookie having a first identity and associated with the first domain and a second cookie having a second identity and associated with the second domain as required by claim 34.

More generally, the passage of Callaghan cited by the Examiner is devoid of any disclosure of correlating a first cookie and a second cookie. Therefore, the cited passage clearly cannot teach storing in the cookies information correlating a first cookie and a second cookie as required by claim 34.

The Examiner further alleges that column 5, lines 25-28 of Rosenberg teach the cited claim limitation. EA, pp. 20. In responding to the Appeal Brief, the Examiner alleges, "Rosenberg teaches 'correlating a first cookie and a second cookie'. . . ." EA, pp. 24. The Examiner further states,

. . . Rosenberg teaches in column 5, lines 25-28 wherein a cookie can include header information which includes identification information with respect to a database entry. When a second cookie utilizes this header as well and has the same identification information, the cookies are correlated and therefore what is taught by Rosenberg meets the limitation for being within the scope of the claim. EA, pp. 24-25.

It is noted that the argument cited above is identical to an argument advanced by the Examiner in rejecting claim 33.

Thus, the Examiner alleges that the cookies are correlated. However, claim 34 requires storing in the cookies information correlating a first cookie having a first identity and associated with the first domain and a second cookie having a second identity and associated with the second domain. Therefore, a teaching of correlating the first cookie and the second cookie, without a teaching of storing in the cookies information relating to said correlation, fails to teach the limitations of claim 34. The Appellant respectfully submits that even assuming *arguendo* that Rosenberg teaches correlating a

first cookie and a second cookie, such a teaching is insufficient to teach the limitations of claim 34.

The passage of Rosenberg cited by the Examiner is reproduced above in regards to limitation (B) of claim 33. Likewise, the passage at column 5, lines 17-54 of Rosenberg, which includes the passage cited by the Examiner in its context, is reproduced above in regards to limitation (B) of claim 33. The Appellant respectfully submits that the passage at column 5, lines 17-54 of Rosenberg fails to teach or suggest storing in the cookies information correlating a first cookie having a first identity and associated with the first domain and a second cookie having a second identity and associated with the second domain as required by claim 34. Instead, for the reasons noted above in regards to limitation (B) of claim 33, the state wherein the cookies have the same unique identification value is caused by the instruction to convey the unique identification information to each server in the network of servers and the instructions to assign the received unique identification value as the cookie value for the server numbered 24B. These reasons are believed to apply equally to claim 34.

Additionally, claim 34 requires a first identity and a second identity. For the reasons noted above in regards to limitation (B) of claim 33, the passage of Rosenberg at column 5, lines 17-54 teaches only a single unique identification value. These reasons are believed to apply equally to claim 34. Because the cited passage teaches only a single unique identification value, the cited passage cannot teach a first identity and a second identity as required by claim 34.

For at least these reasons, it is respectfully submitted that a *prima facie* case of obviousness for claim 34 has not been

established by the Examiner. Thus, the Appellant requests that the rejection of claim 34 be reversed by the honorable Board.

Claim 35

Claim 35 is dependent on claim 18 and recites, "A method as recited in claim 18, wherein the first private cookie and the second private cookie store information correlating the first private cookie and the second private cookie."

In rejecting claim 35, the Examiner alleges that paragraphs [0053] through [0056] of Callaghan teach the cited claim limitation. EA, pp. 20. The cited passage is reproduced above in regards to limitation (A) of claim 33.

It is noted that Callaghan was not alleged to teach the cited claim limitation in any Office Action or other communication prior to the Examiner's Answer.

The Appellant respectfully submits that the passage of Callaghan cited by the Examiner is devoid of any disclosure that the first private cookie and the second private cookie store information correlating the first private cookie and the second private cookie as required by claim 35.

More generally, the passage of Callaghan cited by the Examiner is devoid of any disclosure of correlating a first private cookie and a second private cookie. Therefore, the cited passage clearly cannot teach that the first private cookie and the second private cookie store information correlating the first private cookie and the second private cookie as required by claim 35.

The Examiner further alleges that column 5, lines 25-28 of Rosenberg teach the cited claim limitation. EA, pp. 20. In

responding to the Appeal Brief, the Examiner alleges, "Rosenberg teaches 'correlating a first cookie and a second cookie'. . . ." EA, pp. 25. The Examiner further states,

. . . Rosenberg teaches in column 5, lines 25-28 wherein a cookie can include header information which includes identification information with respect to a database entry. When a second cookie utilizes this header as well and has the same identification information, the cookies are correlated and therefore what is taught by Rosenberg meets the limitation for being within the scope of the claim. EA, pp. 25.

It is noted that the argument cited above is identical to an argument advanced by the Examiner in rejecting claim 33.

Thus, the Examiner alleges that the cookies are correlated. However, claim 35 requires that the first private cookie and the second private cookie store information correlating the first private cookie and the second private cookie. Therefore, a teaching of correlating the first private cookie and the second private cookie, without a teaching that the first private cookie and the second private cookie store information relating to said correlation, fails to teach the limitations of claim 35. The Appellant respectfully submits that even assuming *arguendo* that Rosenberg teaches correlating a first private cookie and a second private cookie, such a teaching is insufficient to teach the limitations of claim 35.

The passage of Rosenberg cited by the Examiner is reproduced above in regards to limitation (B) of claim 33. Likewise, the passage at column 5, lines 17-54 of Rosenberg, which includes the passage cited by the Examiner in its context, is reproduced above in regards to limitation (B) of claim 33. The Appellant respectfully submits that the passage at column 5, lines 17-54 of Rosenberg fails to teach or suggest that the

first private cookie and the second private cookie store information correlating the first private cookie and the second private cookie as required by claim 35. Instead, for the reasons noted above in regards to limitation (B) of claim 33, the state wherein the cookies have the same unique identification value is caused by the instruction to convey the unique identification information to each server in the network of servers and the instructions to assign the received unique identification value as the cookie value for the server numbered 24B. These reasons are believed to apply equally to claim 35.

Additionally, claim 35 is dependent on and further limits claim 18. Claim 18 recites, "mapping a first identity in the first private cookie and a second identity in the second private cookie to a single identity common across the multiple domains." Thus, claim 18 requires a first identity and a second identity. Because claim 35 is dependent on claim 18, claim 35 also requires a first identity and a second identity.

However, for the reasons noted above in regards to limitation (B) of claim 33, the passage of Rosenberg at column 5, lines 17-54 teaches only a single unique identification value. These reasons are believed to apply equally to claim 35. Because the cited passage teaches only a single unique identification value, the cited passage cannot teach a first identity and a second identity as required by claim 35.

For at least these reasons, it is respectfully submitted that a *prima facie* case of obviousness for claim 35 has not been established by the Examiner. Thus, the Appellant requests that the rejection of claim 35 be reversed by the honorable Board.

Conclusion

In view of the foregoing, Appellant submits that the rejections of claims 1-35 are improper and respectfully requests that the rejections of claims 1-35 be reversed by the honorable Board.

Dated: August 18, 2008

Respectfully submitted,

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